

**Conservation Commission Meeting
December 13, 2017
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:05 p.m.

ATTENDANCE

Present: Angus, Allen, Brooks, Butler

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated there is a request for proposal in the Commission's packet from DER to do further studying of the Fearing Brook. DER got a number of proposals and has chosen Milone & MacBroom to do the work, they start next week. It looks at the brook for stream restoration locations and the watershed for stormwater management improvement ideas. DER is paying for the study. Willson has finished the MOU between Amherst and Amherst College and the College will be signing next week.

Willson shared photos of the invasive removal at the Riddle property and Gulliver Meadow. They have cleared everything, property line marked on Riddle property. They are planting winter rye in cleared areas to help keep invasives down. They will be monitoring and removing invasives for three years. Willson visited the Cole subdivision project, there is also a report from the Erosion Monitor, erosion control looks in good shape. She shared photos of new salamander tunnel swales. Taylor Davis dug the swales, has seeded and mulched. Salem Place project is done as well as project on Kestrel Lane (Amy Carlson). The Planning Board approved the draft updated OSRP. Have letter to state in regard to OSRP for Angus to sign.

MINUTES

Review minutes of 10-25-17 & 5-24-17

Brooks moved and Butler seconded. Commission VOTED (4-0-0) to approve the minutes of 5-24-17.

Allen moved and Butler seconded. Commission VOTED (4-0-0) to approve the minutes of 10-25-17.

PERMITS/DISCUSSIONS

7:05 PM Event on Conservation Land - Kestrel Trust for New Year's walk at Wentworth Farm Conservation Area

Kari Blood, Kestrel Land Trust, requesting permission for a New Year's Day nature walk. There will be a biologist leading the walk. Going to walk around the big field area. Kestrel does a walk and talk once a month, there is no charge, no impact. Blood asked we could make an arrangement where she could just send the information and not have to come to a mtg for each walk. Angus said fine for walks & talks, anything more complicate would need permitting. Willson suggested Kestrel put together a list of

upcoming events to be approved all at once. Butler asked about parking for 25 people. Ziomek said they could start on Stanley St. because the parking area is bigger.

Brooks moved and Butler seconded. Commission VOTED (4-0-0) to approve the event request.

7:10 PM Discussion - Anne Cann for Orchard Arboretum joining the Arb/Net.

Anne Cann, Friends of the Orchard Arboretum, stated they would like to join this on-line association of national arboretums. It would give the Arboretum a goal and professionalism. It has no fee. Butler asked who would be the member. Anne said probably the Friends Group. Ziomek said if they need a Town signature he can help.

Brooks moved and Allen seconded. Commission VOTED (4-0-0) to allow the Orchard Arboretum Committee to sign up the arboretum on Arb/Net.

7:15 PM Discussion - Jim Pistrang, Amherst Dog Park Task Force, update on dog park study

Jim Pistrang, Chair Dog Park Task Force, stated they feel they have some common goals as the Commission. Pistrang and assistants described how the committee was formed, public meetings they had had, and their process so far. They have been working with Planning and Development to identify locations and with the Town Animal Welfare Officer on the design and rules for the park. Submitting an application for CPA funds toward the park. They have a preliminary set of design specifications and rules for the park. They are applying for funding from the Statton Foundation, a group that provides funding for enclosed dog parks in Massachusetts. They are applying for a grant for \$225,000 which will cover all costs except buying any land. They give out ten grants a year. The closest enclosed dog parks to Amherst are in Greenfield, Orange, and Agawam.

They are submitting a proposal to the CPA committee for \$200,000 to buy land for a dog park and they are looking for the Commission's support. They have looked at public land but none fits what they need, they don't want to take away recreational land that is scarce already. Dog parks have been supported by CPA funds in many other Massachusetts towns. Allen asked how many acres are they looking for. Pistrang responded about 1.5 acres and must be on public water. The land must be publicly owned to get money from the Statton Foundation. Ziomek stated they are looking at a couple Town owned sites and a couple privately owned sites that the Town would have to buy. They have a couple appraisals going. It needs to be not in a neighborhood, be on Town water, have adequate parking, and sensitive to nearby properties. Ziomek said this will take the pressure off the Conservation Lands to be used by dogs, there are 1600 licensed dogs in Amherst plus unlicensed. Ziomek stated it will be considered an Open Space application before the CPAC. Butler asked who will manage it. Ziomek said if it's purchased with CPA funds as Open Space it would have to be permanently protected and have a CR.

Pistrang said they will develop a Friends of Amherst Dog Park that will include residents from Amherst and surrounding towns. Brooks expressed concern over size and too many dogs. Ziomek said if over the years amount of dogs exceeds size of park we'll consider a second, larger park somewhere else. He added the Beacon project on Cows Rd will have a small dog park. Ziomek added if we get a publicly owned site before March the CPA proposal goes away.

Butler moved and Allen seconded. Commission VOTED (4-0-0) to support the task force's proposal to CPAC to fund the dog park in the context of other Open Space proposals. Commission feels a dog park would benefit Conservation Land.

7:30 PM Notice of Intent (cont'd from 11-8-17 mtg) - UDRIVE, LLC for construction of three apartment buildings and associated driveway, parking, utilities, and landscaping within resource areas on University Dr. (Map 13B, Parcel 33).

Applicant has requested to continue the hearing.

Brooks moved and Butler seconded. Commission VOTED (4-0-0) to continue the hearing to 1/10/18 at 7:30pm.

7:45 PM Notice of Intent (cont'd from 11-8-17 mtg) - UDRIVE, LLC for construction of a restaurant and associated driveway, parking, utilities, and landscaping within buffer zone to bordering vegetated wetlands on University Dr. (Map 13B, Parcel 33).

Applicant has requested to continue the hearing.

Brooks moved and Butler seconded. Commission VOTED (4-0-0) to continue the hearing to 1/10/18 at 7:45pm.

8:00 PM Discussion - Work within Conservation Restriction (cont'd from 9-13-17 mtg) - Tim Houlihan and Abida Adnan for expanding parking and landscaping at 910 Southeast St.

Ms. Adnan stated they have revised their plan and removed some of the plantings areas the Commission didn't like. Willson provided a summary of what had been discussed at previous meetings. The conclusion from the last meeting was that staff was going to talk to Town Counsel about enforcement/defense of CRs and documenting any decisions. There is a letter from Town Counsel in the Con Com's packet. Ziomek stated the Town is the holder of the CR, it's from the early 2000s, current CRs are more in depth. The purpose of the CR is to protect the land in it's natural state to preserve the scenic beauty, agricultural use, and drinking water protection. There is an exclusion for the house and driveway construction. Ziomek goes through the Town Counsel letter. He said the letter in general goes along with what the Commission had decided at their last meeting that they were more comfortable with landscaping west of the house but were not in favor of the landscaping ideas to the east in the core agricultural area. Town Counsel seems to think landscaping to the east is not consistent with the CR. Counsel recommends that the final plan and/or agreement be recorded at the registry of deeds.

Butler asked what has changed on the plan? Adnan stated the two plantings areas outside the exclusion area to the east have been removed. Angus stated she has no concerns with anything within the exclusion area or listed in the CR such as the shed. She is more concerned with encroachment into the agricultural area. Angus asked if folks have concerns with the proposed paved areas and landscaping to the west outside the exclusion. Brooks said the CR states the path to the shed is for pedestrian use, not farm vehicles, etc.

Angus went through each proposed landscaping idea discussed in the Town Counsel letter to gauge the Commission's opinion. Driveway widening - OK, deck and terrace plantings within exclusion - OK, landscaping outside exclusion - some have been removed with new plan. New parking areas using permeable pavers - OK. Shed and access path - OK. Jim Hoerle, neighbor, provided a hand out to the Commission. He stated he is concerned with the work on the northern portion of the property because of

the impact to his trees, he has some very old hickory and maple trees along his property boundary. He provide letters from arborists that say planting under these trees can be detrimental to the trees from digging, construction, etc. He is opposed to the parking expansion that will be 12' from his property and under the crown of one of his trees. They are 200 year old trees. Concerned with equipment that would be used to dig new parking area. Angus stated she understands the concern but impacts to vegetation on abutting properties is not in Commission's purview, we're here to decide if the work goes along with the CR which doesn't discuss neighboring properties. Hoerle said at the last meeting we did discuss the trees and some Commission members were concerned about them. Adnan added they will do nothing to harm the trees, and will not bring in heavy equipment under the trees. Ziomek added the shed will need a building permit which requires certain setbacks to property lines. Hoerle asked if the new parking areas could be moved to the southwest side of the driveway. It would then be in the 50' driveway exclusion from the CR.

Ziomek stated Town Counsel states areas that have been mowed that were intended for ag use (area east of house outside exclusion that is lawn) should be brought back to ag use. Ziomek said good idea to permanently mark the exclusion area with metal posts or boulders. Butler said area should be brought back to hayfield. Ziomek said owner could convert to vegetable garden. Adnan said they have expanded their garden to 20X20 but that doesn't cover the entire lawn. Ziomek said they could work with their designer to come up with something and come back to the commission. Adnan said they will consider it.

Ziomek stated outstanding issue is what will be done with area currently mowed to east of house, applicant to respond. Hoerle would like to see new site plan with property boundary corrected. Hoerle willing to share cost to get re-surveyed showing new property line, exclusion area. Ziomek talk to Town Counsel about amendment to CR to be recorded with plan & planting plan. Ziomek pointed out that the surveyed property boundary must be respected, subdivision of the land is prohibited in the CR.

NO VOTE

8:15 PM Notice of Intent (cont'd from 11-8-17 mtg) - Thomas Poor, Rolling Hill Properties, LLC for construction of a single family house and associated driveway and landscaping within buffer zone to bordering vegetated wetlands at 214 Pomeroy Ln (Map 20C, Parcel 23).

Mike Liu, Berkshire Design Group, stated they made changes to the plan based on Commission comments and the third party reviewer has completed her review of the delineation. Emily Stockman, wetland scientist, stated she did a peer review of a portion of the delineation. There was question whether the NE wetland was really isolated, so she took a close look at that boundary, points G9-G11. Soil borings were taken, there was snow cover but it was still easy to get borings. She showed on the plan where borings were taken. She determined that the original delineation was accurate based on the soil sampling. She added she noticed how close the work is to the wetland boundaries and hopes the applicant and Commission look carefully at the potential for damming on the upgradient side and erosion on the downgradient side. She said there is a culvert discharging just to the east of the proposed driveway entrance that she thinks may be draining to the E-series wetland, she recommends that area be looked at by the applicant's consulting for additional resource areas. Butler asked how far down were the soil samples taken. Stockman replied 24". She said they observed a deep A horizon, up to 18", that indicates farming. Allen said yes the land was historically plowed. Willson stated the applicant has already asked their wetland scientist to take a look at the area near the driveway. Liu stated we should be adding a culvert to the driveway design even if it's not wetland just for drainage.

Liu showed changes to the plan on the overhead. They stretched the driveway to west, rotated the structure to pull driveway turn around from 50 foot setback. They added a swale to carry water coming off the driveway to the west where it can be filtered before entering the wetland, added native plantings to both sides of driveway, and added a culvert at the low spot for water to flow under the driveway. Brooks concerned about diverting water to the west will dry out portion of the southern wetland. Angus asked if the driveway is raised, why acting like a dam? Liu said they are trying to make it at grade, but at the curve it will raise up a bit. Ziomek also concerned with moving the water to the west, is filtering really necessary for a 12' wide single family home driveway. Liu said there is most likely some subsurface flows that would continue under the driveway.

John Gomery, neighbor, stated they live on Shay St. and are wondering what the setbacks are for the driveway from abutting properties. Angus said a driveway is not a structure so there are no setbacks. Gomery also concerned with number of trees being taken out.

Brooks moved and Allen seconded. Commission VOTED (4-0-0) to continue the hearing to January 1, 2018 at 8:15PM. The applicant agreed to continue the hearing.

Miscellaneous Untimed Items:

- Discussion - FY19 CPA Proposals - Epstein property & due diligence

Ziomek stated we were recently awarded a LAND Grant for purchase of Epstein property. It's a 30 acre parcel including the pond. The house lot would be a 2-3 acre exclusion. Brooks asked about neighboring driveway, Ziomek said there would be an easement for that. Kestrel Trust is partnering with us on this and may buy the house lot for use as offices. LAND Grant was for about \$195K, the property is \$270K so we need about \$90K-\$110K from CPAC. Willson to send Epstein and other proposals to Commission.

Ziomek stated showed on the map where the Cole subdivision is going and where the 6 acres of conservation land will be. Cole is building a trailhead and parking lot for the conservation land.

- Review/Sign LAND Grant Contract docs - Epstein

Willson stated this is the contract for the Epstein LAND Grant that the Commission signs.

- Topics not reasonably anticipated 48 hours prior to the meeting

Adjournment

Voted unanimously to adjourn the open meeting at 9:55 PM.